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GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.

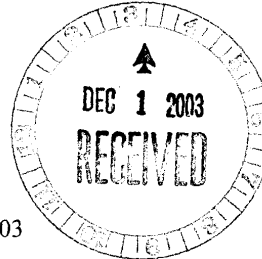
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December 1, 2003

**VIA HAND DELIVERY**

ENTERED  
Office of Proceedings

The Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, NW, Room 700  
Washington, D.C. 20423-0001

DEC 01 2003

Part of  
Public Record

**RE: STB Finance Docket 34392, New Jersey Rail Carrier LLC –  
Acquisition and Operation Exemption –  
Former Columbia Terminals, Kearny, NJ**

Dear Secretary Williams:

By its decision of this docket served November 3, 2003, the Board previously granted separate requests of the New Jersey Department of Environmental Protection ("NJDEP") and Consolidated Rail Corporation ("Conrail") for an extension of a deadline for filing a reply to the additional information submitted by New Jersey Rail Carrier LLC ("NJRC") concerning the acquisition and operating exemption at issue in this proceeding. Under the terms of that Decision, responsive comments are due on December 3, 2003. Although NJDEP regrets the need to seek any further extension of that deadline, a number of considerations have made it essential to request one last brief extension amounting to two days.

At this point, and as indicated in previous correspondence that has been provided to the Board, NJDEP and NJRC are in the process of negotiating an agreement that is expected to resolve the outstanding issues that are before those parties. By granting this requested extension, the parties should have sufficient time to finalize that agreement. Accordingly, NJDEP respectfully requests that the Board grant an extension of time to file comments to December 5, 2003.



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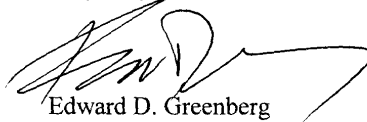
**GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.**  
The Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
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NJDEP has been authorized to represent that neither NJRC nor Conrail objects to this request.

I have enclosed ten (10) copies of this letter for circulation of the document. In addition, we have enclosed an extra copy so that a date stamped copy of this document can be returned to us.

If you have any questions concerning this, please do not hesitate to contact me.

Very truly yours,



Edward D. Greenberg

Encl.  
cc:

Honorable David M. Konschnik (via hand-delivery)  
Fritz R. Kahn, Esq. (via facsimile)  
Jonathan M. Broder, Esq. (via facsimile)  
John V. Edwards, Esq. (via facsimile)



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